

Remarks:

The Examiner rejected Claims 6 and 8 – 10 under 35 U.S.C. 102(b) as being anticipated by Stewart et al. which discloses all the elements of the claims. The Applicant respectfully submits that the following element of Claim 6 is not disclosed in Stewart et al.:

“....a main particulate material conveyance device pivotally attached to said platform on the opposite side to which said motive power source is attached to said platform such that a longitudinal axis of said main particulate material conveyance device is substantially aligned with said longitudinal axis of said platform

Figs. 6 and 7 of Stewart et al. show the attachment of the main particulate conveyor 18 to the platform 16. At column 6, lines 13 – 20 Stewart et al. state:

“The grain transfer bed 128 is configured such that, when the lift housing 120 is connected to the elbow housing 60, the grain transfer bed 128 is aligned with the grain transfer bed 26 and the upper lift chamber 130 is in communication with the upper elbow chamber 64. Adjacent ends of the elbow grain transfer bed 62 and grain transfer bed 128 mate to provide a continuous grain transfer bed within the drive-over hopper 10 (see FIG. 7).”

and at column 6, lines 45 – 48:

“The discharge housing 122 (FIG. 6) has a flange 148, two sides 150, a top 152, and a bottom grain discharge opening 154 (FIG. 8). The discharge housing 122 is configured such that when the portable drive-over grain hopper 10 is fully assembled, the plane of the grain discharge opening 154 is generally parallel to the ground (see FIG. 8).”

A winch 126 is described in the specification at column 6, lines 34 – 42:

“The winch 126 provides a mechanical advantage in raising the drive-over hopper 10 off the ground for relocation thereof A cable 147 (FIG. 5) is securable to the center of the ground transport axle assembly 90, and when the cable 147 is reeled in by the winch 126, the ground transport axle assembly 90 pivots about the pivot supports 84 to urge the tires 91 into contact with the ground, thereby elevating the portable drive-over hopper 10 to the position shown in FIG. 5.

Thus the winch is not operative to raise the main conveyor pivotally with respect to the platform, but rather to raise the wheels for transport.

In Stewart et al. the main conveyor 18 is connected to the platform 16 by an elbow housing, and the connection must be inferred to be rigid since the discharge housing is configured such that when the apparatus 10 is fully assembled, the plane of the discharge opening is parallel to the ground. No pivotal connection is mentioned between the platform and main conveyor.

The Applicant further respectfully submits that the following element of Claim 6 is also not disclosed in Stewart et al.:

“.....at least one secondary particulate material conveyance device for transferring said particulate material received by said platform to said main particulate material conveyance device, such that said platform remains connected to said motive power source and said main particulate material conveyance device during unloading and also when moving said particulate material unloading system from one area to another.”

Fig. 1 of Stewart et al. shows the apparatus in an operating position, as described at column 3, lines 16 – 23:

“During operation, the portable drive-over grain hopper 10 is set up as shown in FIG. 1. The driver of the belly-dump truck (or associated trailer or wagon) whose contents are to be emptied drives the truck onto the foldable, parallel ramps 12 such that the tires of the truck contact the foldable, parallel ramps 12. The driver stops the truck when its grain discharge outlet is aligned over a grain inlet of the hopper body housing 16.”

The hitch is described at column 3, lines 39 – 44:

“The hitch 14 is of a type generally known in the art and is attached (fixedly or removably) to the hopper body housing 16. The hitch 14 facilitates connection of the portable drive-over grain hopper 10 to a prime mover (e.g., tractor, truck, etc.) for transportation of the device as will be described in greater detail below.”

Operation of the Stewart apparatus “when moving said particulate material unloading system from one area to another” is described at column 8 line 64 to column 9, line 13:

“FIG. 5 shows the portable drive-over grain hopper 10 in its transportation configuration. To prepare the portable drive-over grain hopper 10 for relocation, the foldable parallel ramps 12 are rotated around the ramp rods 82 until they can be secured in an upward position as shown in FIG. 5. The opposed wheel supports 92 and 94 of the movable ground transport axle assembly 90 are then assembled and aligned on their respective pivot supports 84. Once, the wheel supports 92 and 94 are secured together, the portable drive-over grain hopper 10 is then raised off the ground by means of cable 147 and winch 126. As the cable 147 is wound about winch 126, it pivots the axle assembly 90 about the pivot supports 84, bringing the tires 91 into contact with the ground and raising the upper body housing 16 up off the ground. Once in this configuration, the portable drive-over grain hopper 10 may be easily moved by connecting the hitch 14 to another vehicle for transport thereof.”

Thus the Stewart apparatus states only that once in the configuration of Fig. 5, the hitch can be connected to another vehicle for transport. In order to achieve that configuration the platform must be raised off the ground compared to its operating position of Fig. 1. The hitch 14 is described as being fixedly or removably attached to the platform, thus need not be available for attachment to a towing vehicle. There is no indication that any vehicle is attached to the apparatus except for transport in the configuration of Fig. 5.

In view of the above the Applicant respectfully submits that not all elements of present Claim 6, and Claims 8 – 10 depending therefrom, are disclosed in Stewart et al. and requests that the rejection under 35 U.S.C. 102(b) be withdrawn.

The Examiner further rejected Claims 7, 11 – 14, 19, and 22 under 35 U.S.C. 103(a) as being unpatentable over Stewart et al. in combination with either Hundebly or Mast. Since these rejected claims are dependent on Claim 6, which the Applicant submits as above are not anticipated by Stewart et al., the Applicant respectfully requests that these rejections under 35 U.S.C. 103(a) be withdrawn.

Applicant has made an earnest effort to be fully responsive to the Examiner's objections and believes that Claims 6 – 14, 19, and 22 are in condition for allowance, in addition to presently allowed Claims 2 – 5, and 24 – 34. The Applicant solicits the allowance of Claims 6 - 14, 19, and 22.

If, however, the Examiner should for any reason consider this application not to be in condition for allowance he is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Respectfully submitted,

Jason R. Kirsch

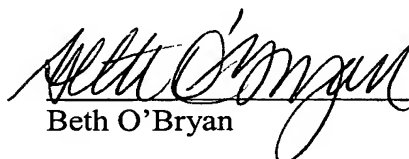
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, this 17th day of November 2005.


Beth O'Bryan